

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SIMPLEAIR, INC.,

Plaintiff,

v.

AWS CONVERGENCE TECHNOLOGIES,
INC., ET AL.,

Defendants.

Case No. 2:09-cv-289-MHS

JURY DEMANDED

**Joint Statement by Plaintiff SimpleAir and Defendant Apple Regarding Status of
Objections to Exhibits and Deposition Designations**

[submitted to Judge David Folsom (ret.), assigned as Special Master]

This joint statement is submitted in advance of the April 16, 2012 hearing before Judge David Folsom (ret.) regarding the remaining exhibit and deposition designation disputes between SimpleAir and Apple. The parties have met and conferred continuously over the last several days and have reduced the issues in dispute substantially.

A. SimpleAir's outstanding objections.

SimpleAir has filed and served updated objections to Apple's exhibits (dkt. # 541) and deposition designations (dkt. #544). These are the remaining SimpleAir objections that require resolution, with the exception of SimpleAir's objections to certain of Apple's counter-designations of Apple witness testimony. Those objections will be stated in Apple's forthcoming filing of revised deposition designations and will furthermore be stated in the transcript binders referenced below.

B. Apple's outstanding objections.

Apple has filed and served updated objections to SimpleAir's exhibits and deposition designations, as well as responses to SimpleAir's objections to Apple's exhibits and deposition designations (dkt. #543). This filing identifies the remaining issues regarding exhibits and deposition designations that require resolution and provides Apple's position on each of these issues.

C. Hearing materials.

At hearing on Monday, the parties will appear with the following materials, per Judge Folsom's instructions:

- SimpleAir will bring paper copies of its exhibits that Apple continues to object to (with the exception of a couple documents that are in native form, which will be brought on the computer and on disc).
- Apple will bring paper copies of its exhibits that SimpleAir continues to object to (with the exception of documents in native form, which Apple will bring on disc).
- The parties will also bring binders containing the deposition transcripts that are at issue with yellow highlighting for the affirmative designations, green highlighting for the counters, and with objections noted in the margins.

Dated: April 13, 2012

Respectfully submitted,

By: /s/ Jeff Eichmann

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Certificate of Service

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 13th day of April 2012.